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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,977	07/11/2003	Rolf Espe	912.001	4056
23598 7590 11/16/2007 BOYLE FREDRICKSON S.C. 840 North Plankinton Avenue MILWAUKEE, WI 53203				
EXAMINER				
DAVIS, JENNA L				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
11/16/2007		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

### Office Action Summary

**Application No.**

10/617,977

**Applicant(s)**

ESPE, ROLF

**Examiner**

Jenna Davis

**Art Unit**

1794

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4, 6-8 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6-8 and 11-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 7, 2007, has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole.

Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6, 8, 11-13, 15-18, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Espe (US 2001/0029139) in view of Kositzke (U.S. Patent No. 4,909,284) and Hennecken (US 6040253).

With regard to claims 1 and 11, Espe discloses a press pad comprising warp and weft threads wherein at least some of the threads include an elastomer material (Abstract). Espe teaches that the warp and weft threads may both comprise a thread core of a high- strength, temperature resistant yarn material, and a thread sheath of a fluoroclastomer or fluorosilicone

elastomer (paragraph 38). Espe does not teach that alternating threads include two types of thread of different elasticities transverse to the thread axis.

Kositzke teaches woven fabric useful in dewatering operations (column 1, lines 12-27). Kositzke discloses that varying the composition and/or diameters of the weft yarns can optimize fiber support on the sheet supporting surface and abrasion resistance on the wear surface (Abstract). Kositzke shows weft fibers that alternate in diameter to achieve this purpose (Figure 3), but also expressly suggests at column 3, line 30-33, and 51-62 that the materials of the fibers may be varied in strength or material to achieve the stability of the fabric.

Further Hennecken teaches that by providing combined yarns with cores and sheaths of differing compositions one may obtain a press pad with good thermal conductivity and highly adjustable tolerances for the pressing operation being performed and illustrates the fibers as being of equal diameter.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to alternate the composition of the weft fibers in Espe in order to optimize fiber support on the sheet supporting surface and abrasion resistance on the wear surface, as taught by Kositzke and Hennecken. The fibers of Espe would then have alternating elasticities transverse to the thread axis created by the different sizes in diameter and/or strength or composition.

With regard to claim 2, Espe teaches polymer may be present on all fibers (paragraph 41). With regard to claims 4, 6, 8, 15, 16, and 20, Espe teaches the fibers may be bunched metal fibers (Figure 1 and paragraph 39). With regard to claims 12, 13, and 17, the core has a higher tensile strength than the sheath and is made of metal (paragraph 41). With regard to claim 18, the sheath of Espe is temperature resistant over 250 degrees Celsius (paragraph 33).

Claims 7, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Espe in view of Kositzke and Hennecken and further in view of Douglas et al. (U.S. Patent No. 5,855,733).

Espe does not disclose the core material to be polyamide. Douglas et al. disclose that aromatic polyamide is a useful non-metallic substitute for metal fibers in press pads (column 4, lines 41-46). It would have been obvious to a person having ordinary skill in the art at the time of the invention to use polyamide in the press pad of Espe, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 4, 6-8, and 11-24 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna Davis whose telephone number is 571-272-3357. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jenna Davis/  
Primary Examiner  
Art Unit 1794

Jld  
11/13/2007